

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JENNIFER WHITEHURST,**

Plaintiff,

v.

**RAQUEL MOSS and HENRY WADE,**

Defendants.

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Civil Action No. **3:24-CV-1945-L-BN**

**ORDER**

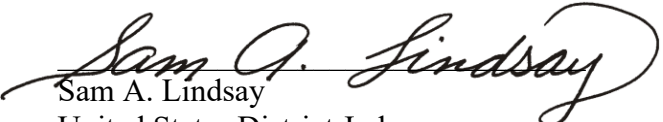
On August 21, 2024, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 8) was entered, recommending that the court, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), dismiss with prejudice this action by *pro se* Plaintiff Jennifer Whitehurst (“Plaintiff”) and all claims asserted by her against Defendants Raquel Moss and Henry Wade for committing allegedly unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. The Report concludes that Plaintiff fails to state any claims upon which relief can be granted because her Complaint contains no factual allegations, only conclusory assertions that she was the victim of discrimination and retaliation in violation of federal statutes. Alternatively, the magistrate recommends that Plaintiff should be granted leave to amend if she explains in response to the Report how she would cure the deficiencies identified or files an amended complaint. Plaintiff did neither. No objections to the Report were filed by her, and the deadline for filing objections has expired.

Having considered the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of

the court. Accordingly, pursuant to § 1915(e)(2)(B)(ii), the court **dismisses with prejudice** this action and all claims asserted by Plaintiff.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 12th day of September, 2024.

  
Sam A. Lindsay  
United States District Judge